## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:11cv102

THALIA D. COOPER,	)
Plaintiff,	)
v.	ORDER
LISA JOHNSON, et al.	)
Defendants.	)
	)

Pending before the Court is the Motion to Dismiss filed by Defendants Transylvania County and Dotti Harris [# 11]. Plaintiff, who is proceeding *pro se*, filed her Complaint on May 2, 2011. Prior to the appearance of any of the Defendants in this action, she moved the Court for leave to file a supplemental complaint. The Court denied without prejudice Plaintiff's motion because, as the Court explained in its Order, she did not need leave of Court to amend her Complaint. (Order, Denying Mot. Joinder May 18, 2011.) Meanwhile, Defendants Transylvania County and Dotti Harris moved to dismiss the Complaint.

In response to the Court's May 18, 2011, Order, Plaintiff filed a second Motion for Leave to File Supplemental Complaint and Joinder of Claims. Plaintiff attached several proposed supplemental complaints to this document. Because it was unclear to the Court whether these documents were identical copies and, if not, which document Plaintiff intended to file as her Supplemental Complaint, the Court instructed Plaintiff to file her Amended Complaint by June 3, 2011. The Court also

instructed Plaintiff to include all of the claims she intended to assert in this pleading

because going forward she would need leave of Court to amend or supplement her

Complaint.

Plaintiff complied with the Court's Order and filed her Amended Complaint on

May 24, 2011. The filing of an amended complaint supercedes the original complaint

and renders it void of any legal function in the case. Young v. City of Mount Ranier,

238 F.3d 567, 572 (4th Cir. 2001). Accordingly, the Court DENIES as moot

Defendants' Motion to Dismiss [# 11]. Defendants are free to move to dismiss the

Amended Complaint on the same for different grounds.

Signed: May 27, 2011

Dennis L. Howell

United States Magistrate Judge